

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

MARIA MURILLO

v.

GREAT LAKES REINSURANCE U.K.
S.E.

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CASE NO. _____
JURY

NOTICE OF REMOVAL

Please take notice that Defendant, GREAT LAKES INSURANCE SE, f/k/a GREAT LAKES REINSURANCE (UK), SE (incorrectly named “Great Lakes Reinsurance (U.K.) PLC” and hereinafter referred to as “Great Lakes”), while fully reserving all rights and defenses, files this Notice of Removal to the United States District Court for the Southern District of Texas, McAllen Division. In support of its Notice of Removal, Great Lakes respectfully would show as follows:

I. NATURE OF THE PENDING STATE CASE

1. On or about July 6, 2017, Plaintiff, MARIA MURILLO (“Plaintiff”), filed a civil action against Great Lakes styled *Maria Murillo v. Great Lakes Reinsurance U.K. S.E.*, originally pending as Cause No. C-3032-17-H in the 389th Judicial District Court of Hidalgo County, Texas.

2. That matter is an insurance dispute, wherein Plaintiff alleges in her Original Petition that her residential property, located at 3804 Eunice Street, Mission, Hidalgo County, Texas 78574 and insured under a policy issued by Great Lakes, sustained damage from a hail/wind storm occurring on or about March 26, 2015. Plaintiff further alleges, *inter alia*, that Great Lakes violated the Texas Insurance Code and committed fraud in the investigation and handling of an insurance claim for alleged damages to Plaintiff’s property. Plaintiff further

makes claims for breach of contract and breach of the duty of good faith and fair dealing against Great Lakes.

3. Great Lakes has attached hereto the documents required to be filed with this Notice of Removal.¹

II. JURISDICTION

A. Jurisdictional Statement

4. Pursuant to 28 U.S. Code § 1441(a), Great Lakes removes this action to the District Court of the United States for the Southern District of Texas, McAllen Division, because it is the District and Division embracing the place where such action is pending. In support thereof, Great Lakes would show that this action is between citizens of different states and the true amount in controversy exceeds \$75,000.00.

5. Upon information and belief, Plaintiff's has disingenuously stipulated in her Original Petition that the total of Plaintiffs' claims and allegations "does not exceed \$75,000.00"² as Plaintiff also pleaded in that same Petition that she is "seek[ing] monetary relief of \$100,000.00 or less...."³

6. Plaintiff's Original Petition confirms that she resides in Hidalgo County, Texas.⁴

7. Plaintiffs' Original Petition also confirms that Great Lakes is not a citizen of Texas.⁵ Great Lakes is a Societas Europea incorporated in Germany and registered with the

¹ Plaintiff's Original Petition, attached hereto as Exhibit A; Proof of Service, attached hereto as Exhibit B; Defendant's Verified Plea and Original Answer, attached hereto as Exhibit C; Index of Matters Being Filed, attached hereto as Exhibit D; Copy of the State Court Docket Sheet, attached hereto as Exhibit D-1; Copy of Process, attached hereto as Exhibit D-2; List of All Counsel of Record, attached hereto as Exhibit D-3; and Civil Cover Sheet, attached hereto as Exhibit D-4.

² See Exhibit A, at "Binding Stipulation".

³ See *Id.*, at ¶ 84.

⁴ See *Id.*, at ¶ 2.

⁵ See *Id.*, at ¶ 3.

commercial register of the local court of Munich under number HRB 230278. Great Lakes' registered office is at Königinstraße 107, 80802 Munich, Germany.

III. TIMING OF REMOVAL

17. Great Lakes was served through the Texas Commissioner of Insurance on or about August 3, 2017. This Notice of Removal is being filed within 30 days of service of the petition upon Great Lakes pursuant to 28 U.S.C. § 1446(b), and is filed less than one year after commencement of the action, pursuant to 28 U.S. Code § 1446(c).

18. This Notice is therefore timely filed.

IV. NOTICE TO ADVERSE PARTIES AND STATE COURT

19. As the removing party, Great Lakes will give Plaintiff prompt written notice of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

20. Great Lakes will also file a copy of this Notice of Removal with the 389th Judicial District Court of Hidalgo County, Texas, where the state court action is currently pending, as required by 28 U.S.C. § 1446(d).

V. ANSWER

21. Defendant timely filed its answer in the state court action. By removing this action to this Court, Defendant does not waive any defenses, objections or motions available to it under state or federal law, and will timely file responsive pleadings to Plaintiff's Original Petition in this Court as well.

VI. JURY DEMAND

22. Great Lakes hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

VII. CONCLUSION

23. In light of the foregoing, Great Lakes respectfully removes this civil action styled *Maria Murillo v. Great Lakes Reinsurance U.K. S.E.*, originally pending as Cause No. C-3032-17-H in the 389th Judicial District Court of Hidalgo County, Texas.

PRAYER

24. Great Lakes prays for such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted by,

/s/ Les Pickett

Les Pickett

Attorney-in-Charge

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of August, 2017, a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

Via E-Service

Martin J. Phipps
J. Gabriel Ortiz
PHIPPS, LLP
102 9th Street
San Antonio, Texas 78215

ATTORNEY FOR PLAINTIFF

/s/ Juvie C. Cardenas

Les Pickett
Juvie C. Cardenas